

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Mitchell David Holbach,)	
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
Leann Bertsch, Don Redmann,)	
Bill Harris, and Tyler Falk,)	Case No. 1:09-cv-014
)	
Defendants.)	

The plaintiff, Mitchell David Holbach, is an inmate at the James River Correctional Center in Jamestown, North Dakota. He initiated the above-entitled action by complaint on April 6, 2009. He claims the Defendants are effectively preventing him from communicating with his minor child by “blocking” his phone number. He seeks the removal of the phone block as well as alterations of the Department of Correction and Rehabilitation’s telephone policy.

Defendants Leanne Bertsch, Don Redmann, and Tyler Falk filed a Motion for Summary Judgment on August 19, 2009. Holbach filed his response to the their motion on September 4, 2009. Additionally, he filed what can charitably be described as a motion requesting the court’s assistance in obtaining “documents.” The motion reads as follows:

I am indigent.
I cannot serve copies on the defendants because I have no funds to produce photo copies or to cover postage costs.
I have documents I wish to present as evidence.
They are in custody and care of the Sisseton/Wahpeton Tribal Court. I am trying to locate and contact my son by enforcement of my court orders.
Again, I can’t afford to photocopy. These documents will prove defendants did violate my rights and they were not in compliance with their own policy! They are liars.
I request you contact the Tribal court to obtain the documents (copies) for me.

Sisseton Wahpeton Tribal court
P.O. box 568
Agency Village, SD 57262
phone 1-605-698-7629

(Docket No. 32).

The court recognizes that Holbach is financially limited; it did after all grant him leave to proceed without prepayment of fees. That being said, the court not empowered to hunt for “evidence” on Holbach’s behalf. Holbach has neither identified nor otherwise described the documents he seeks. Moreover, the fact that Holbach had the means of contacting this court with his request would suggests that he may also possess the means of making the same request of the Tribal Court. Holbach’s motion requesting this court’s assistance in obtaining “documents ” (Docket No. 32) is therefore **DENIED**.

IT IS SO ORDERED.

Dated this 11th day of September, 2009.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge